

J7NVBRIA

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 UNITED STATES OF AMERICA,

4 v.

19 CR 521 (PKC)

5 PETER BRIGHT,

6 Defendant.

ARRAIGNMENT

7 -----x
8 New York, N.Y.
9 July 23, 2019
12:20 p.m.

10 Before:

11 HON. P. KEVIN CASTEL,

12 District Judge

13
14 APPEARANCES

15 GEOFFREY S. BERMAN,

16 United States Attorney for the
Southern District of New York

17 ALEXANDER N. LI

Assistant United States Attorney

18 FEDERAL DEFENDERS OF NEW YORK INC.

19 Attorneys for Defendant

20 AMY GALLICCHIO
21
22
23
24
25

J7NVBRIA

1 THE COURT: This is *United States v. Peter Bright*.

2 For the government?

3 MR. LI: Good afternoon, your Honor.

4 Alexander Li, for the government.

5 THE COURT: Afternoon.

6 And I'm sorry, yes, it is afternoon. The day is going
7 by rapidly.

8 MR. LI: Yes, your Honor.

9 THE COURT: And for the defendant?

10 MS. GALLICCHIO: Good afternoon, your Honor.

11 The Federal Defenders, by Amy Gallicchio, for
12 Mr. Bright.

13 THE COURT: All right. Good afternoon,
14 Ms. Gallicchio, and afternoon, Mr. Bright.

15 Ms. Gallicchio, has Mr. Bright received, reviewed, and
16 discussed with you the single-count indictment in this case?

17 MS. GALLICCHIO: Yes, your Honor, he has.

18 THE COURT: Is there an application to waive the
19 public reading thereof?

20 MS. GALLICCHIO: Yes, your Honor.

21 THE COURT: Mr. Bright, how do you plead to the
22 single-count of the indictment?

23 THE DEFENDANT: Not guilty.

24 THE COURT: All right. A plea of not guilty will be
25 entered on the docket of the Court.

J7NVBRIA

1 Let me inquire of the government what the volume of
2 discovery materials are --

3 MR. LI: Yes, your Honor.

4 THE COURT: -- and what they consist of.

5 MR. LI: Yes, your Honor.

6 We've already produced to the defense most of what I
7 would call the core discovery, which includes the chat
8 communications with the undercover agent, the audio recording
9 of a telephonic call between the undercover and the defendant,
10 as well as video and audio of the meet and the post-arrest
11 statements made by the defendant.

12 In addition to that, there is substantial electronic
13 discovery that we are currently processing. I believe there
14 are two phones and a desktop computer. We will be able to
15 produce within two weeks all of the electronic materials that
16 we are currently able to access. One of the phones, for
17 instance, we're still trying to break into; we are not able to
18 access the contents of that device yet. So there may be
19 additional discovery that we have to produce on a rolling
20 basis, but all additional discovery that we can access we will
21 produce within two weeks.

22 THE COURT: All right.

23 And let me hear from Ms. Gallicchio. How much time do
24 you need to review that material, those materials, and be in a
25 position to return to advise the Court whether you have any

J7NVBRIA

1 motions in this case?

2 MS. GALLICCHIO: Well, your Honor, I understand that
3 the electronic equipment, which includes a desktop computer,
4 contains several terabytes of data. So I think that's going to
5 take some time. Additionally, government and I have begun
6 having discussions about a possible disposition. And so we on
7 the defense side are preparing a proposal to the government,
8 and so we've been working on that. We've hired an expert. So
9 that's ongoing.

10 So I would propose to the Court -- I believe a date we
11 suggested to the Court was a date in October; October the 18th
12 should give us plenty of time to either have a resolution or,
13 at that point, pick a trial date.

14 THE COURT: All right.

15 And that is the date on which you must tell me whether
16 there are any motions you wish to make in the case, and I'll
17 set a motion schedule, as well as a trial schedule in this
18 case.

19 Any objection from the government?

20 MR. LI: No objection, your Honor.

21 THE COURT: All right.

22 So I'll hear the government's application.

23 MR. LI: Your Honor, at this time the government would
24 just move to exclude time until the date I believe we discussed
25 with your deputy.

J7NVBRIA

1 THE COURT: October 18th at 2 p.m.

2 MR. LI: Yes, your Honor, exactly.

3 The government would move to exclude time until that
4 date in order for the parties to produce and review discovery,
5 and to continue their discussions about a potential resolution
6 of the case.

7 THE COURT: All right.

8 MS. GALLICCHIO: I have no objection to that.

9 THE COURT: I find that the ends of justice will be
10 served by granting a continuance till October 18th; and that
11 the need for a continuance outweighs the best interests of the
12 public and the defendant in a speedy trial.

13 The reasons for my finding are that the time is needed
14 to enable the government to complete discovery, for defense
15 counsel to review it, and to engage in discussions with her
16 client and also with the government regarding a possible
17 resolution of the case.

18 Accordingly, the time between today and October 18th
19 is excluded under the Speedy Trial Act. And the conference is
20 set for October 18 at 2 p.m.

21 Anything further from the government?

22 MR. LI: No, your Honor.

23 THE COURT: For the defendant?

24 MS. GALLICCHIO: No, your Honor. Nothing further.

25 THE COURT: Thank you all very much. (Adjourned)